

REMARKS

Prior to the present amendment, claims 1-9 and 15-16 were pending. In this amendment, claims 1 and 7 have been amended. Accordingly, claims 1-9 and 15-16 are under examination.

Claim 1 was amended to add the feature “wherein a liquid vehicle is not required for stabilization of the initiator.” Support for this amendment can be found in the specification as filed at page 2, last paragraph; Example 1; and at page 8, lines 20-22.

Accordingly, no new matter has been entered by the amendment of the claims.

The examiner rejected claims 1-5, 8, 9, 15, and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,902,596 to McVay, et al. in view of U.S. Patent Publication No. 2003/0108705 A1 to Duffield, et al.; and claims 6-7 under 35 U.S.C. 103(a) as being unpatentable over McVay, et al. in view of Duffield, et al., and further in view of European Patent Publication No. EP 0 668 098 A1 to Amo, et al.

REJECTIONS UNDER 35 USC § 103

Claims 1-5, 8, 9, 15, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over McVay, et al. in view of the Duffield, et al. publication. The examiner states that McVay, et al. disclose a package for holding additives including an explosively decomposable polymerisation initiator catalyst in a stabilizing vehicle. The examiner further contends McVay, et al. disclose that the explosively decomposable organic catalyst may be an azo catalyst such as 2,2-azo(bis)isobutyronitrile. The examiner concedes that McVay, et al. is silent regarding a water-soluble container/package, the container including an anti-foaming agent or diluent, the amount of the initiator in the container, and the handling of the polymerisation initiator system. The examiner, however, relies upon Duffield, et al. for teaching water-soluble containers made of an injection molded polymer.

The Mc Vay, et al. reference, contrary to the examiner's assertions, teach away from the claimed invention. In particular, Mc Vay, et al. teach the use of a resin-soluble envelope and an explosively decomposable polymerisation initiator catalyst, wherein the catalyst is stabilized using a liquid vehicle, such as mineral oil, castor oil, and menhaden oil. After the envelope is exposed to a resin, the catalyst disperses throughout the resin. See Mc Vay, et al. Example II, col. 7, lines 51-55 and Example IV, col. 8, lines 40-43. Accordingly, Mc Vay, et al. require a liquid vehicle for stabilization.

Contrariwise, the claimed invention relates to a water soluble azo-initiator in a water soluble container. Unlike Mc Vay et al., "a liquid vehicle is not required for stabilization of the initiator" as required by the claimed water soluble azo-polymerisation initiator. Support for the amendment to claim 1 can be found at page 2, last paragraph; Example 1; and at page 8, lines 20-22 of the application as filed.

Accordingly, the stability of the initiator is improved by using a water soluble initiator, preferably in powder or granulate form. See page 1, 3rd paragraph of the application as filed. Consequently, Mc Vay, et al. is a teaching away from the present invention which does not require a liquid vehicle for stabilization of the initiator.

Furthermore, there is no reason to combine Duffield, et al. with Mc Vay, et al. Duffield, et al. does not teach or suggest that the water-soluble containers can be used to hold polymerisation initiators. Accordingly, claims 1-5, 8, 9, 15, and 16 are not rendered obvious by McVay, et al. taken with Duffield, et al.

Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Vay, et al. in view of Duffield, et al., and further in view of the European Patent Publication No. EP 0 668 098 A1 to Amo, et al. The examiner maintains that Mc Vay, et al. and Duffield, et al. are silent regarding the species of azo-compounds disclosed in claims 6-7 of the present invention. The examiner contends that Amo, et al. disclose a generic structure for an azo-compound that is very similar to the claimed azo-compounds.

As discussed above, Mc Vay, et al. teach away from the claimed invention. In particular, Mc Vay, et al. urges the use of a liquid vehicle to stabilize the sensitive catalyst, thereby teaching away from the invention as claimed which utilizes a water-soluble initiator that does not require stabilization.

Therefore, Mc Vay, et al. in view of Duffield, et al., and further in view of Amo et al. do not render claims 6 and 7 obvious. Accordingly, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of claims 6 and 7 is respectfully requested.

Applicant respectfully submits that the application is now in proper form for allowance, which action is earnestly solicited. If resolution of any remaining issue is required prior to allowance of the application, it is respectfully requested that the examiner contact applicant's attorney at the telephone number provided below.

Respectfully submitted,

/linda d. chin/
Linda D. Chin
Registration No. 58,205
Attorney for applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
LDC/be
299843